



Justin Seigler is an associate who concentrates his practice on insurance law and coverage litigation. His practice includes representing insurers and reinsurers in complex matters brought in state and federal court. Justin has advised clients in connection with Commercial General Liability, Professional Liability, Law Enforcement Liability, and Directors & Officers coverage matters arising out of claims involving commercial disputes, construction defects, intellectual property, civil rights, environmental pollution, bodily injury, and bad faith.

Justin also has experience representing insured companies and individuals in direct liability defense matters, including in litigation arising out of personal injury, wrongful death, construction defects, trademark and trade dress infringement, and defamation.

Justin received his Juris Doctor from the University of Illinois College of Law, where he earned two CALI Awards for Excellence and was an associate editor and published author for the Elder Law Journal.

Justin was selected by Super Lawyers to the 2016, 2017, 2018, 2019 and 2020 Illinois Rising Stars list in the area of Insurance Coverage Litigation, a distinction that recognizes no more than 2.5 percent of attorneys in the state.

## REPRESENTATIVE MATTERS

Successfully obtained affirmance of a judgment that an excess insurer did not owe coverage for \$8 million in repair and delay damages arising out of the insured subcontractor's failure to install a functioning support-of-excavation system, where the subject construction site could be restored to use by the correction of the faulty workmanship, thus bringing the damages within the scope of the policy's exclusion for "impaired property or property not physically injured."

Defended insured family-run contracting business in a subrogation suit alleging that an employee negligently left stain-soaked rags in a home during a remodel, which spontaneously combusted and caused \$650,000 of damage, leveraging deposition testimony and liability defenses to negotiate a favorable settlement.

Obtained summary judgment in favor of GL/LEL insurer in the U.S. District Court for the Northern District of Illinois, which ruled that the insurer had no duty to indemnify the insured municipality's \$7.5 million settlement of a wrongful conviction lawsuit. The court also ruled that the insurer did not owe a duty to defend, for which \$550,000 in fees and expenses were sought, vacating both its own prior ruling that the insurer had breached its duty to defend, reported at *Westport Ins. Corp. v. City of Waukegan*, 75 F. Supp. 3d 821 (N.D. Ill.), and an order denying reconsideration of that ruling, reported at *Westport Ins. Corp. v. City of Waukegan*, 157 F. Supp. 3d 769 (N.D. Ill.). *Westport Ins. Corp. v. City of Waukegan*, No. 14-cv-419, 2017 WL 4046343 (N.D. Ill.).

Defended a CGL insurer in a direct action brought in Ohio state court to recover damages in connection with the insured developer/contractor's alleged negligent construction of lakeside condominium units, leveraging the insurer's strong coverage defenses to negotiate a successful global settlement.

Represented a CGL insurer in the U.S. District Court for the District of Colorado to obtain a

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## Practice Areas

- Commercial General Liability
- Coverage Litigation
- General Commercial Litigation
- Professional Liability

## Education

- University of Illinois College of Law, J.D. 2012, *magna cum laude*
- University of Illinois at Urbana-Champaign, B.A. 2009, *magna cum laude*, University Honors – Bronze Tablet

## Admissions

- Illinois
- U.S. Court of Appeals for the Fourth Circuit
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Central District of Illinois
- U.S. District Court for the Southern District of Illinois
- U.S. District Court for the District of Colorado

declaration of no duty to defend the president of the insured steel company with respect to claims that he knowingly brought baseless criminal charges against business competitors for trespass to his private residential property.

Counseled a Chicago accounting firm in connection with allegations by a local hotel that the firm should have discovered the embezzlement of its officer, uncovering facts necessary to develop strong liability defenses and ultimately achieve a successful, low-cost resolution of the potential claims without resorting to litigation.

Counseled an auto insurer in connection with a bad faith lawsuit filed in Louisiana state court arising out of the insurer's alleged failure to pay the full extent of damages and facilitated out-of-court settlement discussions obviating the need for the insurer to dispute production of internal claim protocols in discovery.

Obtained judgment on the pleadings and a finding of no duty to defend in favor of a CGL/EPL/PL insurer in the Circuit Court of Cook County, Illinois with respect to four lawsuits asserting claims for fraud and a host of business torts arising out of the acrimonious dissolution of an optometry partnership.

Obtained summary judgment in favor of a homeowner's insurer in the U.S. District Court for the Northern District of Illinois with respect to an insured's first-party claim for breach of the policy and bad faith, where the insured asserted a questionable claim for \$700,000 in damage to his home, but was unable to substantiate his damages.

Assisted in obtaining summary judgment in favor of a risk-pooling association in the Circuit Court of Sangamon County, Illinois, resulting in a finding that the "absolute pollution" exclusion applied to a suit alleging that a downstate Illinois municipality distributed polluted drinking water to its citizens, despite the municipality's argument that the carcinogen amounts were within levels permitted by EPA regulations.

Obtained summary judgment in favor of a roofing consultant in the Circuit Court of Cook County, Illinois in a subrogation lawsuit alleging defective roof replacement and resulting water damage to one of Chicago's landmark buildings.

Assisted in obtaining summary judgment and a ruling of no duty to defend in favor of a CGL insurer in the Circuit Court of Cook County, Illinois with respect to a condominium association's construction defect suit, despite allegations of damage to unit owners' personal property, where the court agreed that the Illinois Condominium Property Act did not provide the association with standing to recover such damages.

Obtained dismissal with prejudice of a libel *per se* lawsuit in the Circuit Court of Cook County, Illinois, where a non-prevailing suburban mayoral candidate sought to recover \$1 million in compensatory damages and \$500,000 in punitive damages arising out of a political brochure circulated in connection with the election.

Assisted in obtaining summary judgment in favor of a Title Agents Errors & Omissions insurer in the Circuit Court of Cook County, Illinois, where the insured title agent allegedly conspired with the buyer in a large-scale real estate transaction to defraud a subsequent lender.

Assisted in obtaining summary judgment and a ruling of no duty to defend in favor of a homeowner's insurer in the U.S. District Court for the Southern District of Illinois with respect to a suit alleging negligent supervision resulting in sexual abuse, where, in order to prevail, the underlying plaintiff was required to prove facts bringing the claim within the purview of the "expected or intended injury" exclusion.

Represented a carpentry subcontractor in an appeal of the Circuit Court of Cook County's dismissal of warranty claims brought by a condominium association against the developer, general contractor, carpentry and masonry subcontractors, and window/door manufacturers.

Assisted in obtaining summary judgment in the U.S. District Court for the Northern District of Illinois, where the court held that an exclusion for the loss of gold "bullion" applied to the theft of \$250,000 in gold bars from the insured jewelry store by its then-manager, whose deposition had to be conducted at a maximum security state prison.

Obtained summary judgment in favor of a UM/UIM insurer in the Circuit Court of Cook County, Illinois, where the court ruled that the limits of UM coverage could not be stacked with the primary coverage in connection with an automobile accident that resulted in the death of the insured passenger.

Assisted in obtaining summary judgment and a ruling of no duty to defend or indemnify in favor of a CGL insurer in the Circuit Court of Cook County, Illinois with respect to a

condominium association's construction defect lawsuit brought against the general contractor, developer, and architect.

Assisted in defending a fermented milk beverage producer against a larger competitor's trade dress infringement lawsuit brought in the Circuit Court of Cook County, Illinois, and pursued a federal antitrust counterclaim against the plaintiff based on a history of litigating its competitors out of business, facilitating a successful out-of-court resolution.

## **PRESENTATIONS**

"Additional Insureds: Contract & Scope Issues," CLE Presentation, Chicago, Illinois (May 2018)

"Dropping Down & Filling the Gap: Issues Affecting Excess Defense & Indemnity Obligations," CLE Presentation, Chicago, Illinois (February 2016)